

# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

## REGION I

**Date of Notice:** December 1, 2004

**Public Notice Number:** PN2004-0016

**Comment Period:** December 1, 2004 - December 30, 2004

**Action:** Notice of Proposed Assessment of Class II Clean Water Act Section 311(b)(6) Administrative Penalty and Opportunity to Comment

Under Section 311(b)(6)(B)(ii) of the Clean Water Act (CWA), 33 U.S.C. § 1321(b)(6)(B)(ii), EPA is authorized to assess a civil penalty after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. In Class II proceeding under Section 311(b)(6)(B)(ii), any person who violates certain provisions of the CWA prior to January 31, 1997, may be administratively assessed a civil penalty of up to \$125,000 by EPA; on or after January 31, 1997, any such person may be assessed a civil penalty of up to \$137,500 by EPA. Class II proceedings are conducted in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits," at 40 C.F.R. Part 22 ("Part 22").

The procedures by which the public may submit written comments on a proposed Class II penalty order or participate in a Class II penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed Class II penalty order is thirty (30) days after issuance of public notice.

Pursuant to Section 311(b)(6)(B)(ii), EPA is providing public notice of the following proposed Class II administrative penalty assessment:

**Name and Mailing Address of Respondent:** Slater Dye Works, Inc., 727 School Street, Pawtucket, Rhode Island, 02860

**Name and Address of Facility or Site Addressed by Complaint:** Same

**Description of Business or Activity Conducted by the Respondent:** Slater Dye Works, Inc. specializes in the dyeing of fabrics

**Description of Violations alleged in Complaint:** Illegal discharge of more than 1,000 pounds of sodium hydroxide, which is designated as a hazardous substance in 40 C.F.R Part 116, from its facility into or upon the Blackstone River.

**Proposed penalty:** \$9,750

**Name of case:** In the Matter of Slater Dye Works, Inc. 727 School Street, Pawtucket, Rhode Island, 02860

**Docket number:** CWA-01-2004-0109

**Date Filed with Regional Hearing Clerk:** September 29,2004

**Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:** Sybil Anderson, U.S. EPA, Region I, One Congress Street, Boston, Massachusetts 02114; (617) 918-1610

FOR FURTHER INFORMATION: Persons wishing to receive a copy of Part 22, review the complaint or other documents filed by the parties in this proceeding, comment upon the proposed penalty assessment, or participate in any hearing that may be held, should contact the Regional Hearing Clerk identified above. Unless otherwise noted, the public record for the

proceeding is located in the EPA Regional Office at One Congress Street, Boston, Massachusetts, and the file will be open for public inspection during normal business hours.

In order to provide opportunity for public comment, EPA will not take final action in this proceeding prior to thirty (30) days after issuance of this notice.